

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF RANDALL EHRLICH

Docket No. C2020-1

**RESPONSES OF THE UNITED STATES POSTAL SERVICE TO
QUESTIONS 1-2 OF CHAIRMAN'S INFORMATION REQUEST NO. 1**
(January 23, 2020)

The United States Postal Service hereby provides its responses to the above-listed questions of Chairman's Information Request No. 1, issued on January 16, 2020. Each question is stated verbatim and followed by the response.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

B.J. Meadows III
Valerie J. Pelton
LaSandy K. Raynor
William J. Trumpbour
Attorneys

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-8324
Lasandy.k.raynor@usps.gov
January 23, 2020

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

1. The Postal Service states that the Complainant “admits he has been and remains the owner of at least one dog whose behavior required the issuance of a dog hold.” Motion to Dismiss at 13. It goes on to state that a dog hold is “a reasonable basis for withdrawal of mail delivery service by the Postal Service.” *Id.* at 16.
 - a. Please identify which dog(s) currently owned by the Complainant are subject to the dog hold.
 - b. Please explain the basis of the ongoing dog hold for the dogs currently residing at the residence of Complainant.
 - c. Please explain the process by which a postal customer would be able to successfully remove a dog hold on his or her residence.

RESPONSE:

1.a. The Postal Service has no specific knowledge of the identity of the dog(s) currently owned by Complainant, but notes that dog holds are not specific to a particular dog or animal at a customer's residence. Once a customer is issued a dog or animal interference letter, the letter remains in effect indefinitely or until management, in consultation with the letter carrier, determines that mail delivery can safely be resumed.¹

1.b. Complainant's mail is subject to an ongoing dog hold because there have been at least three dog interference incidents at Complainant's address involving a German Shepherd dog, and because Complainant has failed to take corrective actions to ensure his dog(s) is/are properly restrained and has refused to relocate his mailbox to a safer location as instructed by local management.

¹ Seattle District's Animal/Insect Policy is attached to this Response to ChIR No. 1 filing as Exhibit 1. This policy document was developed to ensure letter carrier safety, consistent with Postal Operations Manual (POM) section 623.3, which notes the need to take steps to avoid “immediate threat[s] ... to the delivery employee....”

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

It is the Postal Service's policy that mail will not be delivered any time an unrestrained dog has access to delivery employees; also, when a customer is issued a dog or animal interference letter, there is no expiration date on it, meaning it can remain in effect indefinitely.² The Seattle District's Animal/Insect Policy establishes the procedures for handling animal and insect problems within the Seattle District and provides that "[c]arriers will not enter into yards or areas where a dog (or dogs) are not being kept behind a solid closed door of wooden or steel construction (not a screen or storm door) behind an adequate fence, or tied by a sturdy leash, tether or chain at least 20 feet from the mail receptacle."³

The first documented dog interference incident occurred on or about July 18, 2015, at Complainant's residence located at 5883 7th Avenue NW, Seattle, Washington 98107, involving Complainant's German Shepherd dog. Based on the letter carrier's observations, Complainant's German Shepherd dog displayed threatening behavior by aggressively barking and jumping behind a screen door. This was the second day in a row the German Shepherd dog displayed this type of behavior.⁴ Complainant was notified about the first dog interference incident and on July 20, 2015, Complainant signed a Memorandum of Understanding ("MOU"), agreeing to restrain his "dog(s) in such a manner so as not to pose a threat to Postal Delivery Personnel."⁵

² *Id.* at 3.

³ *Id.* at 1.

⁴ Docket No. C2019-1, United States Postal Service Motion to Dismiss with Prejudice the Complaint of Randall Ehrlich, November 23, 2018 (hereafter, "Initial Motion"), Exhibit A – Declaration of John Bell, Attachment 1, at 3.

⁵ *Id.*, Exhibit A – Declaration of John Bell, Attachment 2.

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

Another dog interference incident occurred on or about August 8, 2015, at Complainant's residence involving Complainant's German Shepherd dog. According to a letter dated August 9, 2015, the letter carrier observed Complainant's front door opened and the German Shepherd dog behaving aggressively behind the screen door.⁶ The Seattle District's Animal/Insect Policy specifically states that, "mail delivery may be curtailed if an animal attack is imminent, such as, large animals throwing themselves against screens or windows that could break under the animal's weight. Curtailment under these circumstances would be dependent on the carrier's appraisal of the threat and likelihood of the animal becoming unrestrained."⁷ Despite Complainant's prior agreement to keep his front door closed during delivery hours, Complainant failed to do so; thus, mail delivery was suspended to Complainant's address. Although Complainant's dog did not attack the letter carrier, an attack may have been imminent because Complainant's front door was open and the dog was behaving aggressively behind the screen door that could break under the dog's weight. The Postal Service does not expect its employees to be experts in animal behavior or to attempt to determine which dog may be dangerous. When there is an unrestrained dog anywhere in the proximity of a delivery, mail will be withheld from as many deliveries as necessary to ensure the employee's safety.⁸

On July 2, 2016, another dog hold was placed on mail addressed to Complainant's residence and that dog hold has remained in place because of

⁶ *Id.*, Exhibit A – Declaration of John Bell, Attachment 1, at 2; *See also* Letter from Letter Carrier to Management dated August 9, 2015, re: 2nd Dog Interference Incident, attached to this Response to ChIR No. 1 filing as Exhibit 2.

⁷ Exhibit 1 – Seattle District's Animal/Insect Policy, at 1.

⁸ *Id.* at 1. *See also* POM 623.3, attached to this Response to ChIR No. 1 filing as Exhibit 3.

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

Complainant's refusal to relocate his mailbox to the safer location identified by local management.⁹ Dog owners are responsible for controlling their dogs¹⁰ and POM 623.3 states that "[d]elivery service may be suspended when there is an immediate threat (including, but not limited to, threats due to loose animals) to the delivery employee, mail security or postal property."¹¹ Complainant understood that he was responsible for restraining the dog(s) on his premises and agreed to keep the dog(s) under control during delivery hours (8:00 am – 5:30 pm Monday through Saturday), but he failed to do so.¹²

The delivery of the nation's mail is a labor-intensive undertaking. The Postal Service cannot reasonably be expected to keep track of the status of its customers' animals. It is Complainant's responsibility to update the Postal Service if the circumstances that justified the issuance of the dog holds have changed. Although Complainant has informed the Postal Service that different dog(s) are present at his residence than the German Shepherd dog that was initially there in 2015, he has not complied with local management's instructions to relocate his mailbox along his fence as requested or demonstrated that his animals are properly secured. Therefore, the Postal Service has reasonably determined that the dog hold must remain in place.

1.c. A dog hold can be successfully removed if the customer is cooperative, has complied with local management's instructions (e.g., has relocated box to curb), and has taken steps to ensure complete control of their animal(s). If there are no further

⁹ Initial Motion, Exhibit A – Declaration of John Bell, Attachment 2, at 2-4.

¹⁰ Publication 174, *How to Avoid Dog Bites and Dog Repellent* (Sept. 2008), attached to this Response to ChIR No. 1 filing as Exhibit 4, at 3.

¹¹ Exhibit 3, POM 623.3.

¹² Initial Motion, Exhibit A – Declaration of John Bell, Attachment 2, at 1.

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

delivery interferences involving the customer's animal(s), then delivery may be resumed if agreed upon by the manager and letter carrier.¹³ In all cases, consultation with the letter carrier is required prior to resuming delivery once it has been suspended for animal interference.

The Postal Service notified Complainant of the mechanism by which the dog hold could be removed, but Complainant was uncooperative and refused to relocate his mailbox as instructed. On or about March 29, 2017, Complainant sent an email to local management stating that "[he] plan[ned] on putting a mailbox on the wooden wall on the side of [his] driveway." Local management conducted a site visit of Complainant's property on March 31, 2017, and advised Complainant, via email, that the "mailbox need[ed] to be placed on the far end of the fence [,]" and that once the mailbox was relocated to the safer location, mail delivery would be resumed. On March 31, 2017, Complainant replied "I don't think that's going to work for me. Where the mailbox is, that's my compromise."¹⁴ Complainant has refused to relocate his mailbox despite the Postal Service's legitimate reason for asking him to do so.

¹³ Exhibit 1 – Seattle District's Animal/Insect Policy, at 3.

¹⁴ Emails are attached to this Response to ChIR No. 1 filing as Exhibit 5.

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

2. The Postal Service states that “[c]ontrary to specific mailbox placement guidance the Postal Service relayed to Complainant on multiple occasions, Complainant admitted he ‘mounted a second mailbox on his side fence, which was approximately 10 feet 6 inches from the sidewalk.’” *Id.* at 17 (internal citations omitted). Please explain the Postal Service’s rationale for concluding that the side fence mailbox would compromise the safety of the mail carrier to Complainant’s residence. Please include all supporting information used by the Postal Service in making its final determination.

RESPONSE:

2. The side fence mailbox placement is approximately 10 feet 6 inches from the sidewalk and would compromise the letter carrier’s safety because the letter carrier would be exposed to a greater risk of an unexpected dog attack.

Local management conducted at least one site visit to Complainant’s property to determine a safer, operationally feasible location to place the mailbox so mail delivery could be resumed at Complainant’s residence.¹⁵ As evidenced by the photographs of the wooden fence, the path the letter carrier takes is along the sidewalk, from right to left.¹⁶ As a compromise, local management and the letter carrier agreed that the mailbox should be relocated to the same side of the fence where it is currently located, but closer to the sidewalk.¹⁷ Local management determined that relocating the mailbox along the fence, closer to the sidewalk, would allow the letter carrier to deliver the mail while keeping his/her eyes on Complainant’s front door. The current mailbox placement

¹⁵ *Id.* at 1.

¹⁶ Exhibit A – Declaration of John Bell, Attachment 4; see also Photograph of Fence and Front Door attached to this Response to ChIR No. 1 filing as Exhibit 6.

¹⁷ *Id.*, Attachment 3.

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

along the fence, farther up Complainant's driveway, would cause the letter carrier to face the fence with his/her back turned to Complainant's front door.

If the letter carrier walked up the driveway to the mailbox's current location, the letter carrier would lose line of sight to Complainant's front door, placing him/her in the direct pathway of Complainant's dog(s) if one became unrestrained. By placing the mailbox near the corner of the fence, closer to the sidewalk, the letter carrier would not be in the direct path of Complainant's dog(s) if one ran out the front door. Additionally, the letter carrier would be able to see the dog(s) at the front door and have a few more seconds of warning to take cover by the bushes along the side of the fence facing the sidewalk.¹⁸ The letter carrier is put at a greater risk of danger the closer the mailbox is placed to Complainant's front door.

Despite local management's efforts to resume mail delivery to Complainant's residence, Complainant has never relocated his mailbox to either the sidewalk/curbside location (as the Postal Service originally requested), or the location at the end of his fence (as the Postal Service later suggested to Complainant as a compromise). Complainant has refused to relocate the mailbox to the location directed by the Postal Service for operational reasons that were fully explained to Complainant on several occasions.¹⁹ Most recently, by letter dated December 27, 2018, the Seattle District Manager, Darrell Stoke, explained to Complainant, again, the reason why the side fence mailbox would compromise the letter carrier's safety.²⁰ By placing the mailbox on the

¹⁸ Exhibit 6 – Photograph of Fence and Front Door.

¹⁹ Initial Motion at 4; see *also* Exhibit A – Declaration of John Bell, Attachments 3-4.

²⁰ *Id.* See *also* Letter from District Manager, Darrell Stoke, to Complainant dated December 27, 2018, re: Mailbox Relocation, attached to this Response to ChIR No. 1 filing as Exhibit 7.

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 1**

fence closer to the sidewalk, the letter carrier faces a lower risk of harm, should an unrestrained dog come out of Complainant's front door.

In accordance with 39 C.F.R. § 3007.201, the Postal Service is applying for nonpublic treatment of certain materials as set forth in Exhibit 8 hereto.²¹

²¹ Application of the United States Postal Service for Non-Public Treatment of Materials is attached to this Response to ChIR No. 1 filing as Exhibit 8.

EXHIBIT 1 TO THE RESPONSE TO CHIR NO. 1

SEATTLE DISTRICT'S ANIMAL/INSECT POLICY



06/23/2017

SUBJECT: ANIMAL / INSECT POLICY**I. PURPOSE**

This Standard Operating Procedure establishes procedure for animal and insect problems within the Seattle District.

II. POLICY

To ensure we are doing everything possible to prevent dog attack incidents in our District, the following policy must be adhered to:

No mail will be delivered where a postal employee observes an unrestrained dog in the area. District policy is "Carriers will not enter into yards or areas where a dog (or dogs) are not being kept behind a solid closed door of wooden or steel construction (not a screen or storm door), behind an adequate fence, or tied by a sturdy leash, tether or chain at least 20 feet from the mail receptacle."

I do not expect any postal employee to be an expert in animal behavior nor attempt to determine which dog may be dangerous. When there is an unrestrained dog anywhere in the proximity of a delivery, mail will be withheld from as many deliveries as necessary to ensure the employee's safety. We will not attempt redelivery of the mail later on that day. Mail will be returned to the post office where management will be responsible to notify the customer why mail was withheld from delivery.

Even the most unthreatening dog may one day attack. Avoid dogs on your route or delivery assignment. It is our policy that mail will not be delivered any time an unrestrained dog has access to our delivery employee. While in the performance of their assigned duties, a carrier **shall not** feed any animal. Educating customers on their responsibilities while working defensively will prevent injuries.

Mail delivery may also be curtailed if an animal attack is imminent, such as, large animals throwing themselves against screens or windows that could break under the animal's weight. Curtailment under these circumstances would be dependent on the carrier's appraisal of the threat and likelihood of the animal becoming unrestrained.

If the situation is corrected to the point where the carrier no longer feels an immediate threat, delivery may be resumed. While Service is our business, health and the safety of our employees is a primary concern and adherence to this policy will aid in reducing accidents, pain and suffering.

A handwritten signature in black ink, appearing to read "Don Jacobus", written over a horizontal line.

Don Jacobus
District Manager

III. PROCEDURES

As employees are our primary asset, the need to protect their health and safety is our main priority. With this in mind, animal attacks shall be handled as follows:

1. Any animal/insect attack or bite must be reported to management immediately. (see EL-801, Chapter 3, Section 1.1) A Dog Interference Form (attachment #3) must be completed and maintained. This information is subject to review during Safety and Health inspections, along with the master dog incident list.
2. Any employee needing emergency treatment must be sent to the nearest available physician or hospital or to a physician or hospital chosen by the employee or the employee's representative. The physician who provides emergency treatment is not considered the employee's initial choice of physician.

A supervisor may accompany the employee to the doctor's office or hospital to make certain that the employee receives prompt medical treatment.

Animal bites or eye injuries are always considered medical emergencies. **In the event that there is doubt as to the emergent nature of the injury, it should be handled as an emergency.** (See ELM 545.41 – Emergency Treatment)

3. Delivery to the address where the incident occurred and/or the owner's address shall be suspended immediately and the animal's owner notified via the appropriate letter. The supervisor will contact the homeowner and make arrangements to safely deliver warning letters two or three. If conditions are not safe for delivery, the letter will be held with the customer's mail.
4. A Dog Warning Card shall be placed at least one address prior in the carrier case to notify other delivery employees. (See EL-801, Chapter 3, Section 1.1)
5. Delivery may be resumed upon:
 - A. Customer compliance with instructions supplied in "Dog Letter" (i.e. relocate box to curb, P.O. Box, etc.)
 - B. Under no circumstances should delivery be resumed if the customer does not comply with the instructions, and the carrier feels his/her safety is still in jeopardy. In these cases, mail should be held 10 days (attachment #11) after notifying the customer and returned to sender after that time endorsed "Animal Interference – Return to Sender".
6. If other hazards exist, such as bees, wasps or insects, Bee/Insect hive letter (attachment #10) should be used.
7. Carriers will report all incidents of loose or unrestrained dog to their supervisor as soon as possible after the incident on the "Dog Interference Form" (attachment #3). The supervisor will initiate Dog Interference Letter #1 (attachment #5). This letter is delivered by the carrier, IF IT CAN BE DONE SAFELY. The carrier will also utilize attachment #2 and add it to any mail undeliverable to the neighboring houses because of the animal interference. This mail is to be delivered as soon as it can be done safely. Mail delivery will not be resumed to the dog owner until corrective action is taken. The form must be signed by the carrier and should list, by name and address, any witnesses to the incident. It is recommended that Animal Control is notified.
8. The second incident of dog interference will result in all mail delivery to the address in question being terminated until the supervisor has notified the carrier to resume delivery. The supervisor will initiate Dog Interference Letter #2 (attachment #6). Mail delivery will not

be resumed until the customer has signed the Customer Dog Control Agreement Letter (attachment #6). The assistance of the local animal control agency may be requested in delivering Dog Interference Letter #2. A copy of the Dog Interference Form, signed by the employee, will be provided to the local animal control agency to assist them in contracting the correct owner and, if possible, issuing a citation for violation of the appropriate local ordinance.

9. In instances where the same customer is responsible for a third incident of animal interference, the carrier will notify the supervisor as soon as possible, using the Dog Interference Form. Dog Interference Letter #3 (attachment #7) will be issued. ALL MAIL DELIVERY TO THE ADDRESS INVOLVED WILL BE TERMINATED UNTIL FINAL RESOLUTION OF THE PROBLEM.
10. In instances where carriers or supervisors are bitten or viciously attacked by loose or unrestrained animals, the following will apply:
 - A. The Postal employee involved will notify his or her supervisor as soon as possible after the incident. If emergency medical treatment is required, the employee will request that police, EMT personnel or any customer rendering assistance; notify Postal supervision of the incident by phone or any other means possible.
 - B. Once notified, the supervisor will initiate the Dog Bite/Attack Action Checklist. (attachment #4) All items on the checklist will be completed and notify the local animal control agency.
 - C. ALL MAIL DELIVERY TO THE ADDRESS INVOLVED WILL BE TERMINATED UNTIL FINAL RESOLUTION OF THE PROBLEM.

{If the customer is cooperative and is attempting to comply with local dog control ordinances and understands District animal policy. The manager may determine, in consultation and agreement with the carrier, if the circumstances of the incident merit considerations. At this point, if appropriate and agreed on by the Manager and Carrier, a cooperative customer may be allowed to solve the problem of the unrestrained animal by moving the mail box to a secure location, building a fence or kennel}.

11. Any Postal employee bitten by an animal should be encouraged to pursue a third-party claim against the owner. Third-party claims must be brought to the attention of the Injury Compensation Office.
12. Employees must carry pepper spray when delivering mail on foot or on any part of their mail delivery duty assignment.
13. All Postal delivery facilities will maintain dog incident files separated by street. Copies of all dog interference forms, dog control agreements, and other related paperwork will be filed by alpha-numerical into each street file. This file will be used to determine whether a customer has caused dog interference problems one, two or three times so that appropriate level of actions can be taken in each case.
14. After a carrier turns in any Dog Interference Form to the supervisor, that form will be acted on immediately. The carrier will be informed how to handle that delivery, according to the dog previous interference letters/records.
15. There is no expiration date on a number one, two or three dog interference letter. The letters for the same customer are in effect indefinitely. If a customer has shown complete control of their animal/s (no further delivery interferences) after the third letter and delivery termination. At the death or removal of the aggressive animal/s and with an adoption of a new animal, delivery may be reinstated for a last chance agreement. With the first animal interference, delivery will be terminated indefinitely.

EXHIBIT 2 TO THE RESPONSE TO CHIR NO. 1

LETTER FROM LETTER CARRIER TO MANAGEMENT DATED AUGUST 9, 2015
RE: 2ND DOG INTERFERENCE INCIDENT

August 9, 2015

On August 8, 2015 the door was open again at 5833 7th Ave NW. This address has a large German Shepherd that is aggressive behind the door during delivery of the mail. The mail box is located right next to the front door.

There was a previous write up on July 18, 2015 for the exact same situation. The owner, Randy Ehrlich, signed the Memo of Understanding Discontinuance of Mail Delivery on July 20, 2015.

There have been previous unreported instances of the same situation. The dog is aggressive, and the owner leaves the door open with a mere screen door to secure the dog.

The owner does not abide by the request that the front door remain closed for the safety of the carrier to deliver the mail to his mail box.

The mail box must be relocated to the sidewalk for delivery to resume at this address. The location of the mail box should be at the sidewalk on his property at the most north east point just to the south of his driveway while facing the house. The mail box should be mounted at a height of at least 42 inches above the ground and open towards the street and accessed from the sidewalk.

Regular Letter Carrier Route 0740

EXHIBIT 3 TO THE RESPONSE TO CHIR NO. 1
POSTAL OPERATIONS MANUAL (POM) SECTION 623.3

623 **Withdrawal of Delivery Service**

623.1 **Suitable Receptacles**

Consider withdrawing service if a customer does not provide a suitable mail receptacle after being so notified by PS Form 1507, *Request to Provide Mail Receptacle* (city delivery routes); by PS Form 4056, *Your Mailbox Needs Attention* (rural and highway contract routes); by letter or verbally.

623.2 **Blocked Mail Receptacles**

623.21 **General**

The customer is responsible for keeping the approach to the mailbox clear to facilitate delivery (see 632.14). If the carrier continually experiences a problem in serving curblin boxes and where the customer is able to control access or on-street parking in front of his or her mailbox but does not take prompt corrective action after being properly notified, the postmaster may, with the approval of the district manager, withdraw delivery service.

623.22 **Delivery to Mailbox Inside of a Screen or Storm Door**

These mailboxes must meet the following requirements:

- a. When the box is inside a screen or storm door, the door must be left unlocked; otherwise, the box should be located outside the door or a slot should be provided in the outer door.
- b. When porches are screened in or enclosed by other material, and are used as living or sleeping quarters, the screen or storm door is considered the entrance door to the house. In these cases, request that customers place their mail receptacle outside the door or provide a slot in the door.

623.3 **Safety or Security**

Delivery service may be suspended when there is an immediate threat (including, but not limited to, threats due to loose animals) to the delivery employee, mail security, or postal property. Suspension of service should be limited to an area necessary to avoid the immediate threat. Postmasters should request corrective action from responsible parties and restore normal service as soon as appropriate.

623.4 **Travel Obstructions**

Persons responsible for road maintenance must be notified of road conditions obstructing the delivery of mail. If repairs are not made promptly, service may be withdrawn with the approval of the district manager. Resume service as soon as the road conditions are improved.

EXHIBIT 4 TO THE RESPONSE TO CHIR NO. 1

PUBLICATION 174, HOW TO AVOID DOG BITES AND DOG REPELLANT

How to Avoid Dog Bites

Dogs and Dog Repellent



Be Safe Around Dogs

Dogs are self-elected and often highly trained protectors of their masters and their master's property. To them, you are an intruder. You must prepare yourself for a challenge every day from every dog you meet as you go about your daily work.

Basic rules to follow:

1. **Observe the area.** Take a quick glance at all the places a dog may be — under parked cars, under hedges, on the porch, etc.
2. **Size up the situation.** Determine if the dog is asleep, barking, growling, nonchalant, large, small, etc.
3. **Avoid signs of fear.** A dog is more apt to bite you if it knows you are afraid.
4. **Don't startle a dog.** If the dog is asleep, make some kind of non-startling noise, such as soft whistling. Do this before you are close to the dog, while you still have time and space for an "out."
5. **Never assume a dog won't bite.** You may encounter a certain dog for days or weeks without incident — and then one day, it might decide to bite you.
6. **Keep your eyes on the dog.** A dog is very likely to bite you when you aren't looking. Always be on the alert for a sneak attack!
7. **Make friends.** Talk in a friendly manner. Call the dog's name if you know it, but **never** attempt to pet or feed a dog.
8. **Stand your ground.** If a dog comes toward you, turn and face it. If you have a satchel, hold it in front of you and back slowly away while making sure you don't stumble and fall. NEVER TURN AND RUN.
9. **If a dog attacks you, use the repellent to protect yourself.**

Nondelivery of Mail Policy

The availability and use of the repellent does NOT replace the policy of nondelivery of mail where there is a dog menace.

Collection and delivery service personnel are to report the name and address of the customer where such a menace occurs to the postmaster or authorized supervisor, who must immediately telephone the customer and request that the dog be confined during the usual delivery hours in the neighborhood. The postmaster or authorized supervisor must further inform the customer that (1) no deliveries will be made until the dog is confined, and (2) service will be restored upon assurance that the dog will be confined.

Dog Owner's Responsibility

Dog owners are responsible for controlling their dogs. Most communities have ordinances for the control of dogs. Even though postmasters frequently ask customers to control their dogs, and have discontinued service to those who do not cooperate, injuries caused by dogs continue to mount.

EXHIBIT 5 TO THE RESPONSE TO CHIR NO. 1

EMAILS

(REDACTED)

From: [Bell, John R - Bellevue, WA](#)
To: [Schwartzman, Steven B - Seattle, WA](#)
Subject: found this in my archive emails incse you need it
Date: Saturday, November 18, 2017 11:36:14 AM
Attachments: [image001.png](#)

John R. Bell
Manager, Customer Service
Ballard Carrier Annex
PHONE: [REDACTED]
[REDACTED]



From: Randy E [REDACTED]
Sent: Friday, March 31, 2017 8:22 PM
To: tyson burchak [REDACTED]
Cc: Bell, John R - Seattle, WA [REDACTED]; McNeal, Trent J - Seattle, WA
[REDACTED]
Subject: RE: Evidence of discussion of my personal information

I don't think that's going to work for me. Where the mailbox is now, that's my compromise. Otherwise I will continue to work towards getting the mail delivered to the box at my door, even if it requires getting Tonja transferred or fired. Considering the abuse that Tonja has subjected my neighbors and I to, and the threat she made towards me, I'm not going to tolerate any more bending over backwards for her. I'll be taking this issue up again with Megan Brennan and alerting her about the years of missing complaints concerning Tonja and the lack of response I've gotten from the local USPS.

Sincerely,
Randy Ehrlich

On Mar 31, 2017 7:45 PM, "Tyson Burchak" [REDACTED] wrote:

Not sure why he didn't call you. We went out to look at the mailbox today. I know when Mike Fletcher originally talked to you, and myself, much later, we discussed putting the mailbox on the corner of the fence closest to the sidewalk. John and I both agreed the mailbox needs to be placed on the far end of the fence. So if you can do make couple things. Move the box to the corner closest to the sidewalk. When you move the box take a picture of the post office approved stamp on the mailbox. Email me a picture of both. As soon as I have those your mail delivery will be resumed. If you have an issue moving the mailbox, you can discuss it with John Bell on Monday. We did both agree once it was placed at the agreed to location everything would be good to go.

----- Original message -----

From: Randy E [REDACTED]
Date: 3/29/17 3:25 PM (GMT-08:00)
To: tyson burchak [REDACTED]
Subject: RE: Evidence of discussion of my personal information

I'm home today. When would you be available?

On Mar 29, 2017 3:16 PM, "Tyson Burchak" [REDACTED] wrote:

Myself and the station manager John Bell were going to come out and talk to you, but that should basically be agreeable.

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

----- Original message -----

From: Randy E [REDACTED]
Date: 3/29/17 2:48 PM (GMT-08:00)
To: tyson burchak [REDACTED]
Subject: Re: Evidence of discussion of my personal information

Hi Tyson,

I plan on putting a mailbox on the wooden wall on the side of my driveway. Can I have assurance from you that I will have my mail delivered to that mailbox without having interference from Tonja? I do not want to be subject to her threats, whims or spiteful behavior anymore.
Can we agree on this?

Sincerely,
Randy Ehrlich
5833 7th ave nw
Seattle, WA 98107

[REDACTED]

On Mar 13, 2017 11:03 PM, "Tyson Burchak" [REDACTED] > wrote:

received thanks

From: Randy E <[REDACTED]>
Sent: Monday, March 13, 2017 10:44 PM
To: [REDACTED]; Mark Middlebrooks

EXHIBIT 6 TO THE RESPONSE TO CHIR NO. 1

PHOTOGRAPH OF FENCE AND FRONT DOOR



EXHIBIT 7 TO THE RESPONSE TO CHIR NO. 1

LETTER FROM DISTRICT MANAGER, DARRELL STOKE, TO COMPLAINANT
DATED DECEMBER 27, 2018, RE: MAILBOX RELOCATION



December 27, 2018

Mr. Randall Ehrlich
5833 7th Ave NW
Seattle, WA 98107

Dear Mr. Ehrlich:

Thank you for contacting the U.S. Postal Service ("USPS") regarding your request to re-establish mail delivery to your residence. We understand your desire for residential delivery to resume; however, USPS must also consider the safety of its letter carriers. Unfortunately, the present location of the mailbox puts USPS letter carriers at risk of potential dog attack.

It is my understanding you met with the Ballard Post Office Station Manager several times regarding options, including a site visit to your address. Once the mailbox is moved to the location facing the street that was discussed with you, we will be happy to resume delivery service to your residence.

If you would like a new site visit or would like to discuss this matter further, please contact the Ballard Station Manager, On Bong Wong at 206-781-4656.

Sincerely,



Darrell Stoke
District Manager

EXHIBIT 8 TO THE RESPONSE TO CHIR NO. 1

APPLICATION OF THE UNITED STATES POSTAL SERVICE
FOR NON-PUBLIC TREATMENT OF MATERIALS

APPLICATION OF THE UNITED STATES POSTAL SERVICE FOR NON-PUBLIC TREATMENT

In accordance with 39 C.F.R. Part 3007.201, the United States Postal Service (Postal Service) hereby applies for non-public treatment¹ of Exhibit 5 to the Response to Chairman's Information Request (ChIR) No. 1 filed in this docket.

The Postal Service hereby furnishes the justification required for this application by each subsection of 39 C.F.R. § 3007.201(b), as enumerated below. For the reasons discussed, the Postal Service asks that the Commission grant its application for nonpublic treatment of the identified material. The Postal Service further requests that the Commission order that the duration of such treatment of personally identifiable information be extended indefinitely.

(1) The rationale for claiming that the materials are non-public, including the specific statutory basis for the claim, and a statement justifying application of the provision(s);

The material designated as non-public consists of personally identifiable information protected under Exemption 6 to the Freedom of Information Act ("FOIA").² Such information should not be publicly disclosed. Such information would be exempt from mandatory disclosure pursuant to 39 U.S.C. 5 U.S.C. § 552(b)(6). Exemption 6 protects information about individuals in "personnel and medical files and similar files"

¹ The Postal Service is seeking a waiver of the obligation to provide a copy of the information, as it is not necessary to the Commission's resolution of this matter to furnish the personally identifiable information in question. Should the Commission have a need for such information, it may duly order its production under seal.

² 5 U.S.C. § 552(b)(6), (7)(C) (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524; see also Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 21, 2009) (emphasizing that the Freedom of Information Act reflects a "profound national commitment to ensuring an open Government" and directing agencies to "adopt a presumption in favor of disclosure"); accord Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (Mar. 19, 2009), available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf> ; FOIA Post, "OIP Guidance: President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines - Creating a New Era of Open Government" (posted 4/17/09).

when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy."³ Because the portions of the material which the Postal Service is applying to file only under seal fall within the scope of information not required to be publicly disclosed, the Postal Service asks the Commission to support its determination that this material is exempt from public disclosure and grant its application for its non-public treatment.

In this instance, the personally identifiable information is contained in documentary evidence provided in support of the Postal Service's Response to ChIR No. 1. Specifically, Exhibit 5 to the Response to ChIR No. 1, contains personally identifiable information⁴ (i.e., email addresses and phone numbers).

(2) Identification, including name, phone number, and email address for any third-party who is known to have a proprietary interest in the materials, or if such an identification is sensitive, contact information for a Postal Service employee who shall provide notice to that third party;

N/A as there is no proprietary information at issue here.

(3) A description of the materials claimed to be non-public in a manner that, without revealing the materials at issue, would allow a person to thoroughly evaluate the basis for the claim that they are non-public;

Exhibit 5 to the Response to ChIR No. 1 contain personally identifiable information. A redacted copy of the aforementioned document is being filed publicly in this docket. The Postal Service maintains that the redacted portions thereof containing names of the individuals and their respective addresses, phone numbers, email addresses and signatures should remain confidential.

(4) Particular identification of the nature and extent of commercial harm alleged and the likelihood of such harm;

³ 5 U.S.C. § 552(b)(6).

⁴ 39 U.S.C. § 410(c)(2); 5 U.S.C. § 552(b)(6).

N/A as the information withheld is not commercial in nature.

(5) At least one specific hypothetical, illustrative example of each alleged harm;

N/A

(6) The extent of protection from public disclosure deemed to be necessary;

The Postal Service maintains that the redacted portions of the material filed non-publicly should be withheld from the public and, as indicated in footnote 1 above, need not be filed with the Commission unless it deems such information necessary.

(7) The length of time deemed necessary for the non-public materials to be protected from public disclosure with justification thereof; and

The Commission's regulations provide that non-public materials shall lose nonpublic status ten years after the date of filing with the Commission, unless the Commission or its authorized representative enters an order extending the duration of that status. 39 C.F.R. § 3007.401. The Postal Service believes that the ten-year period of non-public treatment is not sufficient to protect the privacy considerations at issue here, and as such, requests that the length of protection be indefinite.

(8) Any other factors or reasons relevant to support the application.

N/A